

In the United States Court of Federal Claims

No. 24-1314

Filed: September 17, 2024

SIEMENS GOVERNMENT TECHNOLOGIES, INC.,)
)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
)

MEMORANDUM OPINION AND ORDER

Plaintiff seeks a refund of the filing fee associated with the filing of this action. *See* ECF No. 4. Consistent with Judicial Conference policy, this court generally prohibits the refund of filing fees. *See* Electronic Filing Fee Refund Policy, *at* https://uscfc.uscourts.gov/sites/default/files/electronic_filing_refund_policy_20230214_1.pdf. Under this policy, however, the court may authorize the refund of a filing fee if the plaintiff's counsel can demonstrate that the filing fee was paid "erroneously" as that term is used in the policy. Here, Plaintiff's counsel carries his burden.

Due to the statute of limitations, Plaintiff had to file its complaint on August 26, 2024, which it attempted to do. ECF No. 4 at 1; *see also* Case No. 24-1313 ECF No. 1 (complaint filed on August 26, 2024, but entered on August 27, 2024); Case No. 24-1314 ECF No. 1 (same). Plaintiff uploaded its complaint, paid the filing fee, and proceeded to the end of the filing process. But rather than getting a confirmation of filing when he finished, Plaintiff's counsel got an error message that stated: "An error has occurred while processing your request, you may be able to proceed by pressing the 'back' button on your browser and retrying this submission, if this error repeats then please contact the court for assistance." ECF No. 4 at 1, 3. Reasonably believing that this message meant that its complaint had not been received, Plaintiff repeated the process and successfully filed this case. *Id.* at 1. To be sure the Government was aware of what was going on, Plaintiff also emailed a copy of the complaint to the Government on the evening of August 26, 2024. *Id.* The next morning, Plaintiff's counsel contacted the Clerk's Office and learned that both attempts to file the complaint were successful, which meant that Plaintiff had identical cases filed as 24-1313 and 24-1314. And it meant that Plaintiff paid the filing fee twice. ECF No. 4 at 9-10 (payment confirmations showing Plaintiff paid two filing fees).

Because the court concludes that Plaintiff only filed the second case and paid the second filing fee because of the error message from the court's CM/ECF system that indicated the first

attempt to file the complaint failed, Plaintiff has established that the payment of the second filing fee was “erroneous” under this court’s policy. Therefore, the court DISMISSES this case, No. 24-1314, pursuant to Rule 41, and DIRECTS the Clerk’s Office to refund the filing fee paid for Case No. 24-1314.

For the avoidance of doubt, the court is dismissing only Case No. 24-1314. Nothing in this Order addresses Case No. 24-1313, which shall proceed to an answer or motion to dismiss according to the court’s rules.

It is so ORDERED.

s/ Edward H. Meyers
Edward H. Meyers
Judge